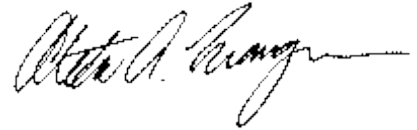


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION



UNITED STATES OF AMERICA

v.

CHRISTOPHER SULLIVAN

No. 3:13-00086
Aleta A. Trauger
Judge, U.S. District Court

**CHRISTOPHER SULLIVAN'S MOTION AND INCORPORATED
MEMORANDUM TO CONTINUE TRIAL**

COMES now the accused, CHRISTOPHER SULLIVAN, through counsel, Assistant Federal Public Defender, Isaiah S. Gant, and moves this Honorable Court to enter an order continuing the trial in this matter presently scheduled for Tuesday, July 9, 2013, at 9:00 a.m. In support of the foregoing motion, it is respectfully represented to this Honorable Court the following:

1. Title 18, United States Code, Section 3161(h)(8)(A) provides, in pertinent part, that any period of delay resulting from a continuance granted on the basis of a court's findings that the ends of justice are served by the granting of a continuance outweigh the best interest of the public and the accused in a speedy trial, such time shall be excluded in computing the time which the trial must commence.

2. The factors which a judge shall consider in determining whether to grant a continuance are found in subsection 3161(h)(8)(iv). One such factor is whether denial of a continuance would deny counsel for the accused "reasonable time necessary for effective preparation, taking into account the exercise of due diligence."

3. Title 18, United States Code, Sections 3161(c)(1) and (2) require that a trial commence not less than thirty (30) nor more than seventy (70) days from the accused's appearance in court on the formal charges. Mr. Sullivan was arraigned on the instant

indictment on May 20, 2013. The seventy (70) day time limitation within which trial must commence would be on or about July 29, 2013. There has not been a previous request for a continuance of the trial date in this matter.

4. A continuance of the trial date is necessary, in the interest of justice, because counsel for Mr. Sullivan is still in the initial stage of locating and interviewing witnesses, and gathering evidence. Consequently, a continuance of the trial is necessary in order for counsel to complete the investigation and to enable counsel to provide Mr. Sullivan the effective assistance of counsel.

5. Counsel for Mr. Sullivan requests that the Court continue this matter to a date that is compatible with the Court's calender, but not less than sixty (60) days from the present trial date, to permit counsel to complete the investigation; and thus, reasonably be in a position to provide Mr. Sullivan with that level of effective assistance of counsel mandated by the United States Constitution.

6. An executed Speedy Trial Waiver prepared pursuant to the Middle District of Tennessee's *Plan for the Prompt Disposition of Criminal Cases* is being filed simultaneously with this motion.

7. Counsel for Mr. Sullivan has conferred with Assistant United States Attorney, Lynne T. Ingram, and she has granted counsel for Sullivan the liberty of advising the Court that the government has no opposition to this request.

WHEREFORE, for the above and foregoing reasons, it is respectfully prayed that this Honorable Court enter an order continuing the trial in this matter presently scheduled for Tuesday, July 9, 2013, to a date compatible with its calender, but not less than sixty (60) days from the present trial date, in the interest of justice.